

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOYCE MARIE SIMMONS,
Plaintiff,
v.
KIMBERLY LUKE, et al.,
Defendants.

Case No. [19-cv-00139-VKD](#)

**ORDER OF REASSIGNMENT TO
DISTRICT JUDGE**

Pro se plaintiff Joyce Marie Simmons, a federal prisoner, filed a civil rights action under *Bivens v. Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against prison officials at the Federal Correctional Institution in Dublin, California, for allegedly violating her constitutional rights. Dkt. No. 1. On May 3, 2019, the Court screened the complaint pursuant to 28 U.S.C. § 1915A(a), and found several deficiencies. Dkt. No. 8. Ms. Simmons was granted leave to file an amended complaint no later than May 31, 2019, to attempt to correct the deficiencies. *Id.* at 5. The deadline has passed, and she has failed to file an amended complaint or have any further communication with the Court.

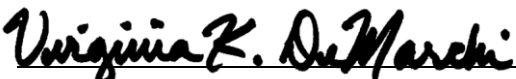
All named parties, including unserved defendants, must consent to magistrate judge jurisdiction before a magistrate judge may hear and decide a case. *See* 28 U.S.C. § 636(c)(1); *Williams v. King*, 875 F.3d 500, 501–04 (9th Cir. 2017) (magistrate judge lacked jurisdiction to dismiss case on initial review because unserved defendants had not consented to proceed before magistrate judge). As it appears that this case requires a decision that disposes of the claims against some or all of the defendants at this time, and because not all parties have consented to magistrate judge jurisdiction, the matter must be reassigned to a district judge.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, the Clerk shall reassign this case to a district judge pursuant to the Court's Assignment Plan.

IT IS SO ORDERED.

Dated: June 11, 2019


VIRGINIA K. DEMARCHI
United States Magistrate Judge